

AMENDED IN ASSEMBLY AUGUST 7, 2000

AMENDED IN ASSEMBLY JUNE 28, 2000

AMENDED IN SENATE APRIL 11, 2000

AMENDED IN SENATE MARCH 28, 2000

SENATE BILL

No. 2095

**Introduced by Senator Johnston
(Coauthor: Senator Perata)**

February 25, 2000

An act to add Article 10.9 (commencing with Section 65601) to Chapter 3 of Division 1 of Title 7 of the Government Code, relating to water recycling.

LEGISLATIVE COUNSEL'S DIGEST

SB 2095, as amended, Johnston. Water Recycling *in* Landscaping Act.

(1) Existing law, known as the Water Conservation in Landscaping Act, requires a model water efficient landscape ordinance adopted by the Department of Water Resources to be enforced by a city, county, or city and county and have the same force and effect as if adopted by the local agency, unless the local agency has adopted a water efficient landscape ordinance or has adopted findings based on climatic, geological, or topographical conditions, or water availability; that states that this ordinance is unnecessary.

This bill would require any local public or private entity that produces recycled water and determines that within 10 years it will provide recycled water service to a local agency, to

notify the local agency of that fact. ~~It~~ *The bill* would require a local agency, within ~~one-year~~ 180 days of receipt of the notice, to adopt and enforce a specified recycled water ordinance, unless ~~it~~ *the local agency* adopted a recycled water ordinance or other regulation requiring the use of recycled water in its jurisdiction prior to January 1, 2001. By imposing new duties on local legislative bodies, the bill would create a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 10.9 (commencing with Section
2 65601) is added to Chapter 3 of Division 1 of Title 7 of the
3 Government Code, to read:

4
5 Article 10.9. Water Recycling in Landscaping Act

6
7 65601. This article shall be known and may be cited as
8 the Water Recycling in Landscaping Act.

9 65602. The Legislature finds and declares all of the
10 following:

11 (a) The waters of the state are of limited supply and
12 are subject to ever-increasing demands.

13 (b) The continuation of California’s economic
14 prosperity is dependent on adequate supplies of water
15 being available for future uses.

16 (c) It is the policy of the state to promote the efficient
17 use of water through the development of water recycling
18 facilities.

19 (d) Landscape design, installation, and maintenance
20 can and should be water efficient.



1 (e) The use of potable domestic water for landscaped
2 areas is considered a waste or unreasonable use of water
3 within the meaning of Section 2 of Article X of the
4 California Constitution if recycled water is available that
5 meets the conditions described in Section 13550 of the
6 Water Code.

7 65603. Unless the context requires otherwise, the
8 definitions used in this section govern the construction of
9 this article:

10 (a) “Designated recycled water use area” means areas
11 within the boundaries or service area of the local agency
12 that can or may in the future use recycled water in lieu
13 of potable water and are so designated by the local
14 agency.

15 (b) “Local agency” means any city, county, or city and
16 county.

17 (c) “Recycled water producer” means any local public
18 or private entity that produces recycled water in
19 accordance with the conditions described in Section
20 13550 of the Water Code.

21 65604. If a recycled water producer determines that
22 within 10 years the recycled water producer will provide
23 recycled water service to a local agency that meets all of
24 the conditions described in Section 13550 of the Water
25 Code, the recycled water producer shall notify the local
26 agency of that fact and shall identify in the notice the
27 boundary or service area that is eligible to receive the
28 recycled water, and the necessary infrastructure that the
29 recycled water producer will provide to support delivery
30 of the recycled water within the boundary or service area.

31 65605. (a) Within ~~one year~~ 180 days of receipt of
32 notification from a recycled water producer pursuant to
33 Section 65604, the local agency shall adopt and enforce a
34 recycled water ordinance pursuant to this article.

35 (b) The ordinance shall include, but not be limited to,
36 provisions that do all of the following:

37 (1) State that *it* is the policy of the local agency that
38 recycled water determined to be available pursuant to
39 Section 13550 of the Water Code shall be used for
40 nonpotable uses within the designated recycled water use



1 area set forth by the local agency when the local agency
2 determines that there is not an alternative higher or
3 better use for the recycled water, its use is economically
4 justified, and its use is financially and technically feasible
5 for projects under consideration by the local agency.

6 (2) Designate the areas within the boundaries of the
7 local agency that can or may in the future use recycled
8 water, *including, but not limited to, existing urban areas*
9 in lieu of potable water.

10 (3) Establish general rules and regulations governing
11 the use and distribution of recycled water in accordance
12 with applicable laws and regulations.

13 (4) Establish the use of recycled water in new
14 industrial, commercial, or residential subdivisions located
15 within the designated recycled water use areas for which
16 a tentative map or parcel map is required pursuant to
17 Section 66426. These provisions shall require a separate
18 plumbing system to serve nonpotable uses in the common
19 areas of the subdivision, including, but not limited to, golf
20 courses, parks, greenbelts, landscaped streets, and
21 landscaped medians. The separate plumbing system to
22 serve nonpotable uses shall be independent of the
23 plumbing system provided to serve domestic, residential,
24 and other potable water uses in the subdivision.

25 65606. The recycled water ordinance adopted by a
26 local agency pursuant to Section 65605 shall not apply to
27 either of the following:

28 (a) A tentative map as defined in Section 66424.5, or a
29 development, as defined in Section 65927, that was
30 approved by the local agency prior to the receipt of
31 notification from a recycled water producer pursuant to
32 Section 65604.

33 (b) A subdivision map application that is deemed
34 complete pursuant to Section 65943 prior to the local
35 agency's receipt of a notice from a recycled water
36 producer pursuant to Section 65604.

37 ~~65607. All tentative maps, subdivision maps, or~~
38 ~~development projects approved by the local agency after~~
39 ~~the receipt of a notice from a recycled water producer~~
40 ~~pursuant to Section 65604, but prior to the adoption and~~



1 ~~enforcement of an ordinance pursuant to Section 65605,~~
2 ~~shall, to the extent economically justified and financially~~
3 ~~and technically feasible, require a separate plumbing~~
4 ~~system to serve nonpotable uses in the common areas of~~
5 ~~the subdivision, including, but not limited to, golf courses,~~
6 ~~parks, greenbelts, landscaped streets, and landscaped~~
7 ~~medians. The separate plumbing system to serve~~
8 ~~nonpotable uses shall be independent of the plumbing~~
9 ~~system provided to serve domestic, residential, and other~~
10 ~~potable water uses in the subdivision.~~

11 ~~65608.—~~

12 65607. (a) This article shall not apply to any local
13 agency that adopted a recycled water ordinance or other
14 regulation requiring the use of recycled water in its
15 jurisdiction prior to January 1, 2001.

16 (b) *This article does not alter any rights, remedies, or*
17 *obligations that may exist pursuant to Chapter 7*
18 *(commencing with Section 13500) of Division 7 of the*
19 *Water Code.*

20 (c) *This article does not alter any rights, remedies, or*
21 *obligations that may exist pursuant to Chapter 8.5*
22 *(commencing with Section 1501) of Part 1 of Division 1*
23 *of the Public Utilities Code.*

24 SEC. 2. No reimbursement is required by this act
25 pursuant to Section 6 of Article XIII B of the California
26 Constitution because a local agency or school district has
27 the authority to levy service charges, fees, or assessments
28 sufficient to pay for the program or level of service
29 mandated by this act, within the meaning of Section 17556
30 of the Government Code.

